

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA**

Jeffrey Cordtz,
Plaintiff

Case No. 1:21-cv-02003-MHC-LTW

Versus

**Johnson Legal Offices, LLC;
FCI Lender Services, Inc.;**
And Larry W. Johnson

Defendants

PLAINTIFF’S SUR-REPLY TO THE JOHNSON DEFENDANT’S REPLY
[Dkt. 102]

The FDCPA “defines “debt collector” to mean “[1] any person who uses any instrumentality of interstate commerce or the mails in any business the principal purpose of which is the collection of any debts, or [2] who regularly collects or attempts to collect, directly or indirectly, debts owed or due or asserted to be owed or due another.” § 1692a(6).” Davidson v. Capital One Bank (USA), N.A., 797 F.3d 1309, 1313 (11th Cir. 2015). Emphasis added.

The word another according to the Merriam-Webster dictionary means some other, and is used to refer to a different person.

In the Johnson Defendants' reply the Johnson Defendants argue that certain debt collection that they do for *another* should not be counted as to whether they regularly collect debts. Most importantly, the Johnson Defendants contend that based on *Obduskey*, the non-judicial foreclosure debt collection that they do for *another* shouldn't be counted for purposes of the inquiry of whether they regularly collect or attempt to collect debt, i.e., the non-judicial foreclosure debt collection that they do for State Home Mortgage and the non-judicial foreclosure debt collection that they do for *another* together with Jauregui & Lindsey, LLC.

The Court should reject that argument. The Court should hold that any debt collection the Johnson Defendants do and specifically the non-judicial foreclosure debt collection that the Johnson Defendants do should be part of the calculation as to whether the Johnson Defendants regularly collect for *another*.

The statutory text is entirely transparent. A "debt collector" includes any person who regularly collects or attempts to collect debts owed or due another. *See* § 1692a(6). The statute does not define "another," so we will look to the common usage of the word for its meaning. The term "another" most naturally connotes "one that is different from the first or present one." Merriam–Webster's Collegiate Dictionary 48 (10th ed.1996). Applying this definition to the statutory language, this means that a person must regularly collect or attempt to collect debts *for others* in order to qualify as a "debt

collector” under the second definition of the term. The word “another” is not modified or otherwise limited, and Davidson has pointed us to nothing that would indicate that Congress had any intention to limit the term.

Davidson, 797 F.3d at 1316-17 (11th Cir. 2015) (cleaned up)

WHEREFORE, Plaintiff requests that the Court deny the Johnson Defendants’ Motion for Summary Judgment.

Dated: June 30, 2022

Respectfully submitted,
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